

Ropers Majeski Kohn & Bentley  
A Professional Corporation  
San Francisco

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Attorneys for Defendant  
JPMORGAN CHASE BANK, N.A., erroneously sued herein as  
JPMORGAN CHASE BANK, a New York Corporation dba  
CHASE AUTO FINANCE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANALI AMBRIZ, an individual,  
Plaintiff,

v.

LUXURY IMPORTS OF SACRAMENTO,  
INC., dba SUZUKI OF SACRAMENTO;  
JPMORGAN CHASE BANK, a New York  
Corporation dba CHASE AUTO FINANCE,  
and DOES 1 through 100, inclusive,  
Defendants.

CASE NO. CV 08 1004 JSW

**[PROPOSED] ORDER DENYING  
PLAINTIFF'S MOTION TO REMAND**

Plaintiff Anali Ambriz's motion to remand came on regularly for hearing before this Court, the Honorable Jeffrey S. White presiding. Parviz Darabi appeared as counsel of record for plaintiff and moving party Anali Ambriz, and George G. Weickhardt for defendant JPMorgan Chase Bank, N.A. Good cause appearing therefor,

IT IS HEREBY ORDERED that:

1. Plaintiff's motion to remand is denied on the following grounds:

a. JPMorgan Chase Bank, N.A., according to the evidence presented, is a citizen of the State of Ohio, and there is thus, complete diversity.

b. The complaint, as filed, was not removable. *Harris v. Bankers Life and Casualty Co.*, 425 F.3d 689, 693 (9th Cir. 2005).

1 c. The action was not removable on the basis of plaintiff's settlement demand  
2 of November 21, 2007, because a letter from an attorney is not an "other paper" within the  
3 meaning of 28 U.S.C. §1446(b). *See, e.g., Tangletown LLC v. Underwriters at Lloyds, London,*  
4 2006 U.S. Dist. LEXIS 68887 (W.D. Wa. 2006).

5 2. Plaintiff's request for attorney's fees is denied.

6 Dated: \_\_\_\_\_  
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9 HON. JEFFREY S. WHITE  
10 JUDGE OF THE DISTRICT COURT  
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**CASE NAME:** Anali Ambriz, an individual v. Luxury Imports of Sacramento, Inc., dba Suzuki of Sacramento, et al.

**ACTION NO.:** CV 08 1004 JSW — U.S. District Court, Northern District of California

I am a citizen of the United States. My business address is 201 Spear Street, Suite 1000, San Francisco, CA 94105. I am employed in the County of San Francisco where this service occurs. I am over the age of 18 years, and not a party to the within cause. I am readily familiar with my employer's normal business practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and that practice is that correspondence is deposited with the U.S. Postal Service the same day as the day of collection in the ordinary course of business.

On the date set forth below, following ordinary business practice, I served a true copy of the foregoing document(s) described as:

**[PROPOSED] ORDER DENYING PLAINTIFF'S MOTION TO REMAND**

(BY FAX) by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below, or as stated on the attached service list, on this date before 5:00 p.m.

☒ (BY MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at San Francisco, California.

*Attorneys for Plaintiff*

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Eric Heffelfinger, Esq.  
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☒ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on April 4, 2008, at San Francisco, California.

/s/ Wendy Krog